



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice March 4, 2024

Per Board Rules and Regulations, public comments will be accepted during the public comment periods designated on the agenda. Written comments may be provided by email to cricker@town.arlington.ma.us by Monday, March 4, 2024, at 3:00 pm. The Board requests that correspondence that includes visual information should be provided by Friday, March 1, 2024, at 12:00 pm.

The Arlington Redevelopment Board will meet Monday, March 4, 2024 at 7:30 PM in the **Arlington Community Center, Main Hall, 27 Maple Street, Arlington, MA 02476**

1. Review Meeting Minutes

7:30 pm The Board will review and vote to approve meeting minutes.

2. Public Hearing: Warrant Articles for 2024 Annual Town Meeting

7:35 pm The Board will hear the proposed zoning amendments. The public hearing will include time both for public comment and for deliberation and discussion by the Board.

ARTICLE 30

ZONING BYLAW AMENDMENT / SHADED PARKING LOTS

To see if the Town will vote to amend Section 6.1.11.D of the Zoning Bylaw to require that trees or other shade be provided in parking lots with more than 25 spaces; or take any action related thereto.

ARTICLE 31

ZONING BYLAW AMENDMENT / ADD 5-7 WINTER TO THE MBTA NEIGHBORHOOD DISTRICT

To see if the Town will vote to add the Address of 5-7 Winter St., to the Neighborhood Multi-Family (NMF) Subdistrict Parcel List. So that the Map/Table listing of all the properties in the Neighborhood Multi-Family (NMF) Subdistrict includes the following property, the additional line will read as follows: Address: 5-7 Winter St.; Owner: AML Realty Trust; Existing Use Codes: 104; Existing Use Description: Two Family Residential; Parcel Acres: 0.420; Parcel Square Footage: 18,306; or take any action related thereto.

ARTICLE 32

ZONING BYLAW AMENDMENT / TRAFFIC VISIBILITY

To see if the Town will vote to amend Section 5.3.12(A) of the Town's Zoning Bylaws to permit buildings, structures or vegetation across street corners if it can be shown that they will not restrict visibility in such a way as to hinder the

safe transit of a vehicle through the subject intersection; or take any action related thereto.

ARTICLE 33
ZONING BYLAW AMENDMENT / REAR YARD SETBACKS IN BUSINESS DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw Section 5.5.2, Dimensional and Density Regulations, to adjust the rear yard setback requirement for uses of four or more stories in the Business Districts; or take any action related thereto.

ARTICLE 34
ZONING BYLAW AMENDMENT / RESIDENTIAL USES

To see if the Town will vote to amend Section 5.4 of the Town's Zoning Bylaws by changing the definitions, regulations, and requirements of R0 Large Lot Single-Family Districts, R1 Single-Family Districts and R2 Two-Family Districts to permit the expansion of allowable residential uses in these districts, with the goal of diversifying the Town's housing stock; or take any action related thereto.

3. Open Forum

9:15 pm Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation. There is a three-minute time limit to present a concern or request.

4. New Business

9:30 pm

5. Adjourn

9:45 pm (Estimated)

6. Correspondence Received

C. Heigham - 3/1/24



Town of Arlington, Massachusetts

Review Meeting Minutes

Summary:

7:30 pm The Board will review and vote to approve meeting minutes.

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	02262024_DRAFT_Minutes_Redevelopment_Board.pdf	02262024 DRAFT Minutes Redevelopment Board

Arlington Redevelopment Board
Monday, February 26, 2024, at 7:30 PM
Community Center, Main Hall
27 Maple Street, Arlington, MA 02476
Meeting Minutes

This meeting was recorded by ACMI.

PRESENT: Rachel Zsembery (Chair), Shaina Korman-Houston, Kin Lau, Stephen Revilak

ABSENT: Eugene Benson

STAFF: Claire Ricker, Director of Planning and Community Development; Sarah Suarez, Assistant Director of Planning and Community Development

The Chair called the meeting of the Board to order.

The Chair opened with **Agenda Item 1 – Review Meeting Minutes.**

February 5, 2024 – The Chair made one addition to the minutes. The Chair requested a motion to approve the February 5 minutes as amended. Mr. Lau so moved, Mr. Revilak seconded, and the Board voted unanimously in favor.

The Chair moved to **Agenda Item 2 – Public Hearing: Warrant Articles for 2024 Annual Town Meeting.**

The Chair opened the first night of hearings for the Warrant Articles for 2024 Annual Town Meeting. The Board will hear from article applicants and members of the public wishing to speak. The Board will reserve final discussion and voting on each article until the last night of hearings.

Ms. Ricker said that at this meeting, the Board would be considering Articles 25 to 29, which the Board has put forward for consideration by Town Meeting. She noted that the Conservation Commission voted to support Article 28.

ARTICLE 25 – BUILDING DEFINITIONS

The Board members had no comments or questions about Article 25.

The Chair opened the floor for public comment. Seeing no one who wished to speak, she closed public comment and discussion on Article 25.

ARTICLE 26 – ADMINISTRATIVE CLARIFICATION

The Board members had no comments or questions about Article 26.

The Chair opened the floor for public comment.

- Chris Loretto, 6 Adams Street – He noted that this Article refers to Section 5.9.2.B.(1)e of the Zoning Bylaw, but such a subsection does not currently exist; after 5.9.2.B.(1) is a series of bullet points which are not referred to by letter. Article 27 proposes changing those bullet points to letters, but until that Article is passed, the subsection referred to does not exist. He would also suggest that the other Section referred to in Article 26, Section 5.4.2.B, also be specified by subsection number and letter in order to clarify which subsections are directly relevant.

The Chair closed public comment on Article 26.

The Chair suggested that the Board speak with the Town Moderator and request that Article 27 be voted on by Town Meeting before Article 26, so that the subsection referred to in Article 26 will already have been renamed.

The Chair closed discussion of Article 26.

ARTICLE 27 – ADMINISTRATIVE CORRECTION

The Board members had no comments or questions about Article 27.

The Chair opened the floor for public comment. Seeing no one who wished to speak, she closed public comment and discussion on Article 27.

ARTICLE 28 – DELETE INLAND WETLAND OVERLAY DISTRICT

The Board members had no comments or questions about Article 28.

The Chair opened the floor for public comment.

- Chris Loretto, 6 Adams Street – As a Town Meeting member, he would like to better understand the relationship between the current zoning bylaw that this Article proposes to eliminate and the Conservation Commission regulations. He does not know if the current zoning bylaw goes beyond the protections enforced by the Conservation Commission, and he does not want to see the Town's wetland protections weakened. He would like the Board to clarify the specific implications of this change before Town Meeting.

The Chair closed public comment on Article 28.

Ms. Ricker said that Article 28 was recommended by David Morgan, Conservation Agent and Environmental Planner. The Conservation Commission has a robust authority to protect wetlands, and the Inland Wetland Overlay District is redundant and creates unnecessary complexity and potential for conflicting regulations. The Inspectional Services Department, the Zoning Board of Appeals, the Department of Planning and Community Development, and the Conservation Commission are all in favor of eliminating the Inland Wetland District because it muddies the waters in terms of who has the authority to adjudicate regarding wetlands.

The Chair closed discussion of Article 28.

ARTICLE 29 – REDUCED HEIGHT BUFFER

Mr. Revilak proposed alternate language for Article 29. His goal was to try to make the text of Section 5.3.19.A a little more clearer than the language of the original proposed amendment, but he did not change the substance or meaning of the proposed amendment. In the table specifying buffer distances, he proposed reducing those distances by 50%, which is less of a reduction than the 75% reduction proposed in the original amendment. This section of the bylaw was added in 1975, and the buffer distances have not changed since then. At the time, the ZBL allowed greater building heights; the R7 and B5 districts allowed buildings of 110 feet, and the PUD district allowed buildings of 200 feet. In subsequent years, those districts were all down-zoned, to 60 feet, 75 feet, and 80 feet, respectively, but no changes were made to the buffer zones. The height reductions in those three districts were between 32% and 60%, so he is proposing a reducing in buffer zones of 50%, to bring them in line with what they were before the districts were down-zoned.

Mr. Lau agreed with Mr. Revilak's modifications; he thinks it makes sense to reduce the buffer zones proportionally to the height reductions.

Ms. Korman-Houston also agreed with Mr. Revilak.

The Chair said that the wording changes Mr. Revilak made to the text make it clearer and easier to understand, so she supports those changes. She noted that the amount of reductions to the buffer zones originally proposed in Article 29 was greater than the reductions Mr. Revilak proposed, and she asked him if he had concerns about the results of reducing them by the larger amount. He replied that he actually preferred the larger reduction, but he thinks that the smaller reduction would be easier to explain and defend on the grounds that it is in line with the original intent of this section of the ZBL.

The Chair said that she believed that the larger reductions proposed by the former Assistant Director of DPCD were based on research into similar provisions in other municipalities. She asked Ms. Ricker to bring information about such provisions to the next Board meeting to help guide their discussion.

The Chair opened the floor for public comment.

- Chris Loretto, 6 Adams Street – He asked if the change is necessary, given that the bylaw already allows the lower height requirement to be waived upon a finding that the larger height is not detrimental. He noted that this section of the bylaw has been amended since 1975, and past Town Meeting members did not feel that it was necessary to reduce the buffer zones. He thinks that the protections are already very small, and he would prefer to leave this section as it currently is. If they are going to change it, he prefers Mr. Revilak's proposal.

The Chair closed public comment on Article 29.

The Chair noted that Article 29 is part of a group of bylaw changes that the Board has taken on to make the building process more predictable in terms of the interpretation of the bylaw.

Mr. Lau said that the Board's goal has been to make it simpler for developers and homeowners to work with the zoning bylaw, and he thinks that this article does that.

Mr. Revilak said that he would like to see the development and building process become less discretionary and more predictable.

The Chair closed discussion of Article 28.

The Chair asked for a motion to continue the public hearing for the Warrant Articles for 2024 Annual Town Meeting to Monday, March 4, 2024. Mr. Lau so moved, Mr. Revilak seconded, and the Board voted unanimously in approval.

The Chair moved to **Agenda Item 3 – Site Plan Review Application Draft.**

Ms. Ricker said that she has been working with Mr. Benson on a draft of the Application for Site Plan Review. This is the third proposed change to the Board's Rules and Regulations. The draft is largely based on the application for Environmental Design Review, with changes to indicate that Site Plan Review will be for as-of-right projects.

Mr. Lau said that he thinks that the draft is a good checklist. He noted that on page 5, the checklist, includes "SketchUp-compatible model, if required," but it does not say under what circumstances such a model would be required. He proposed wording specifying that a SketchUp model would be required unless a project is small enough to be clearly understood without one. The Chair said that the Board had originally thought about requiring SketchUp models for developments along Mass Ave and Broadway, and had not discussed requiring them for developments in the MBTA Communities Neighborhood Multi-Family Subdistrict as well. The Board needs to discuss it further. Ms. Korman-Houston asked the Chair and Mr. Lau if they, as architects, could recommend a threshold above which a project should provide a SketchUp model to the Board. Mr. Lau said that the language should be changed to say, "If a model is required in order to explain the project, then the model must be submitted as part of the Site Plan Review Application." He does not want to require developers to create a model if one isn't necessary for the planning of the project. Ms. Ricker suggested requiring a SketchUp model for properties on Mass Ave and Broadway. She also suggested adding it to the checklist of materials to be discussed at the pre-application review, and letting developers know that if they are planning to create a model, they need to submit it.

Mr. Lau proposed a change to the third bullet point under "Drawings of proposed structure" on page 4. In addition to including the elevations of each exterior façade of the proposed structure, he would like the drawing to include the elevations of the buildings surrounding the proposed structure. The Chair noted that the Board would need to ensure that developers have access to that information, because the exact elevation of the surrounding buildings may not be available. Mr. Lau replied that they don't need to have exact numbers for every feature, but he wants to make sure that drawings clearly and accurately show the surrounding buildings, so that they can be viewed in context.

Ms. Korman-Houston had three points:

- The first bullet point under "Research your property" on page 1 directs applicants to read the definitions of Site Plan Review and As of Right Development in Section 2 of the ZBL, but if you search for those terms within the ZBL, nothing comes up. She proposed including definitions of those terms within the Site Plan Review Application itself. Mr. Revilak noted that the MBTA Communities Overlay District does include the definitions

that Ms. Korman-Houston was unable to find in the ZBL, but the ZBL has not been updated yet with those definitions because the Town is awaiting final approval of the MBTA Communities District.

- On page 2, under Item 7, point 2, it says that the application must be provided to DPCD four days before the public hearing, but it does not specify whether that is business days or calendar days. On page 3, under Item 8, the same issue should be addressed regarding the 20-day appeal period.
- On the checklist, on page 5, under “Residential and commercial units,” she proposed including the specification that affordable units must meet the standards for inclusion on the Subsidized Housing Inventory (SHI).

Mr. Revilak said that he thinks that the draft application is overall very clear and provides good guidance to applicants. He noted that on page 1, in paragraph 2, the hyperlink does not work properly. The text of the link refers to two different documents – the ZBL and the Board’s Rules and Regulations – but appears to be a single link. The two links should be separated for greater clarity. He also appreciated the mention of Arlington’s bicycle parking guidelines.

The Chair had several edits and comments:

- The third paragraph on the first page ends with a comma rather than a period.
- On page 2, Item 5 refers to “larger projects” but does not define what that is. She said that could be defined in terms of square footage or number of units, or it could be applied to all projects on Mass Ave and Broadway. Mr. Lau suggested that the determination could be made at the pre-application meeting. The other Board members agreed.
- Page 2, Item 2 - applicants are directed to contact Ms. Ricker directly to schedule the pre-application meeting. She asked if Ms. Ricker wanted applicants to contact her directly, and Ms. Ricker replied that she would discuss the issue with other DPCD staff. Mr. Lau suggested changing the language so that it did not refer to Ms. Ricker by name but referred to the Director or DPCD more generally, with a link to the website for contact information, so that it would not need to be changed with any future staff turnover.
- Page 3, Item 7, point 1 – She asked if the reference to a “staff memo” should be more clearly defined. She proposed modifying it to something like, “staff memo, summarizing the pre-application meeting findings.”
- Page 3, Item 7, point 4 – It specifies that during public comment, each attendee will have three minutes to speak, but she would prefer that the amount of time not be specified to allow for greater flexibility, particularly if a large number of people wish to speak.
- Page 3, Item 7, point 5 – The word “request” should be changed to “application.”
- Page 3, Item 8, second line – The word “will” is missing after “DPCD staff.”
- Page 4, Required Submittals Checklist – It directs applications to the website for the full list of required submittals. She asked if the list on the website is different from the included checklist. Ms. Ricker said that she does not believe it is, and she will confirm that and eliminate that phrase.
- A LEED checklist is required under two different items on the checklist – “Impact Statement” and “Sustainable Building and Site Design Elements.” She thinks that it should only be listed in one place, whichever one DPCD staff thinks will have the most impact and be most likely to be adhered to.
- On page 8, all the footnotes refer to the underlying zoning bylaws, but this process is largely for projects being built under the MBTA Communities Overlay District, in which case many of the underlying requirements are not applicable. She proposed a general footnote that explains the elimination of the underlying requirements. The Board discussed whether the application should be designed to work for both MBTA Communities developments and others. Mr. Lau said that he doesn’t think this chart would work for multiple types of projects, because it would be too confusing. The Chair proposed making the items on the chart not required for MBTA Communities developments gray, with a note indicating that they can be left blank for MBTA Communities developments but not for other developments. The Chair said that they could make the application applicable solely to MBTA Communities now, since those are the only types of developments currently planned for Site Plan Review, and edit the form to make it applicable to other types of developments later.

Mr. Lau said that he would like to encourage applicants to bring in samples of actual materials. He proposed changing the last bullet point under “Drawings of proposed structure” on page 4 to require samples materials and colors and not merely images.

Ms. Korman Houston noted that on page 3, Item 8, the second sentence changes verb tense, so it should be changed to be internally consistent.

The Chair noted that the Board has not typically voted on the creation of application materials, but they can continue to provide feedback to DPCD about changes they would like to see.

Ms. Ricker said that the next step for voting to change the Board’s Rules and Regulations is running a legal notice announcing a public hearing regarding that vote. DPCD can run that legal notice in time for the Board to hold the hearing in early April. The Chair asked for clarification about whether the application itself would be part of that hearing and vote, along with the two other proposed changes to the Rules and Regulations discussed at previous meetings. Ms. Ricker confirmed that it would.

The Chair moved to **Agenda Item 4 – Open Forum.**

The Chair opened the floor for public comment. Seeing no one who wished to speak, the Chair closed Open Forum.

The Chair moved to **Agenda Item 5 – New Business.**

Ms. Ricker told the Board that the Town received a letter of compliance from EOHLC regarding MBTA Communities.

Ms. Ricker also reported that the Town received a letter from DOER confirming that Arlington is eligible for the fossil fuel-free pilot program.

Ms. Ricker also reported that the Economic Feasibility Analysis about applying Arlington’s 15% inclusionary zoning requirement to the MBTA Communities Overlay District has been completed. It has determined that Arlington’s inclusionary zoning may be applied to the Overlay District. The analysis has been submitted to EOHLC for review.

The Chair said that she has talked with the Chair of the Select Board about holding a joint meeting with the Select Board and the Redevelopment Board. The primary issue that the Select Board wants to discuss with the Redevelopment Board is parking. They discussed holding a joint meeting in the summer or early fall. The on-street parking pilot program will conclude in June, so the Select Board will have data from that pilot program at that point.

Mr. Lau said that he would also like to discuss funding for hiring someone to focus on signage. The Chair replied that Ms. Ricker will discuss that issue with the Director of Inspectional Services and the Town Manager.

Mr. Lau said that he would like the Board to think about how to address issues of tree canopy and heat islands, particularly how they relate to parking, in a way that does not put all the burden on development. He thinks it would make more sense to create tree islands than to try to squeeze trees into parking lots. He also thinks that more planning should be done for rain gardens on street corners, which was discussed in the past.

Mr. Revilak noted that ZBL Section 6.1.10, regarding parking, is confusing and needs to be rewritten. He also said that Somerville did a curb management plan, in which the city looked at all the curbside space being used for parking, what else that space could be used for, and where it would be appropriate to implement those other uses. Other uses included outdoor dining, bike lanes, planting areas, rain gardens, and short-term loading zones. He would like to see such a study done in Arlington, at least in the business districts.

The Chair said that she would also like to discuss alcohol licensing with the Select Board. The Chair of the Select Board indicated that they would like more information about how the current licensing requirements have been a hindrance to economic development and what kinds of modifications would help.

The Chair asked for a motion to adjourn. Mr. Lau so moved, and Mr. Revilak seconded. The Board voted and approved unanimously.

Meeting **Adjourned at 8:45 pm.**



Town of Arlington, Massachusetts

Public Hearing: Warrant Articles for 2024 Annual Town Meeting

Summary:

7:35 pm

The Board will hear the proposed zoning amendments. The public hearing will include time both for public comment and for deliberation and discussion by the Board.

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ATTACHMENTS:

Type	File Name	Description
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▢	Reference Material	DRAFT_ATM_2024_Zoning_Bylaw_Amendments_02-14-2024.pdf	DRAFT ATM 2024 Zoning Bylaw Amendments 02-14-2024
▢	Reference Material	Article_30_-_Shaded_Parking_Lots_-_2nd_revised_main_motion.pdf	Article 30 - Shaded Parking Lots - 2nd revised main motion
▢	Reference Material	Article_30_-_Shaded_Parking_Lots_-_MEMO_re_2nd_revised_main_motion.pdf	Article 30 - Shaded Parking Lots - MEMO re 2nd revised main motion
▢	Reference Material	Article_30_-_Shaded_Parking_Lots_-_PRESENTATION.pdf	Article 30 - Shaded Parking Lots - PRESENTATION
▢	Reference Material	Article_30_-_Shaded_Parking_Lots_-_Use_Table_amendments.pdf	Article 30 - Shaded Parking Lots - Use Table amendments
▢	Reference Material	Article_31_-_5-7_Winter_St_-_map_and_comment.pdf	Article 31 - 5-7 Winter St - map and comment
▢	Reference Material	Article_32_-_Traffic_Visibility_-_PRESENTATION.pdf	Article 32 - Traffic Visibility - PRESENTATION
▢	Reference Material	Article_33_-_Rear_Yard_Setbacks_in_Business_Districts_-_PRESENTATION.pdf	Article 33 - Rear Yard Setbacks in Business Districts - PRESENTATION
▢	Reference Material	Article_34_-_Residential_Uses_-_PRESENTATION.pdf	Article 34 - Residential Uses - PRESENTATION



Town of Arlington

ARLINGTON REDEVELOPMENT BOARD

**2024 Annual Town Meeting
DRAFT Zoning Bylaw Amendments**

as of February 14, 2024

Introduction and Overview

The Arlington Redevelopment Board (ARB) is the Town's Planning Board, under M.G.L. Chapter 41 § 81. There are five members of the Board. Four are appointed by the Town Manager and the fifth is a gubernatorial designee appointed by the Massachusetts Department of Housing and Community Development. The Board serves as the Town's special permit granting authority for projects which require an Environmental Design Review (EDR) as identified in the Zoning Bylaw. The ARB is also the Town's Urban Renewal Authority under M.G.L. Chapter 121; with Town Meeting approval, the Board may hold property to improve and rehabilitate them to meet community development goals.

The members of the ARB are as follows:

Rachael Zsembery, Chair (term through 6/30/2026)
Kin Lau, Vice Chair (term through 1/31/2027)
Eugene Benson (term through 1/31/2026)
Shaina Korman-Houston (term through 1/31/2026)
Stephen Revilak (term through 9/22/2028)

Claire Ricker, AICP, Director of the Department of Planning and Community Development, serves as Secretary Ex-Officio to the ARB.

In accordance with the provisions of the Town of Arlington, Massachusetts Zoning Bylaw and Massachusetts General Laws Chapter 40A, a public hearing will be held by the Arlington Redevelopment Board (ARB) on:

1. **Monday, February 26, 2024**, beginning at 7:30 PM, to hear Articles 25 through 29, in the Arlington Community Center, Main Room, 27 Maple Street, Arlington, MA.
2. **Monday, March 4, 2024**, beginning at 7:30 PM, to hear Articles 30 through 34, in the Arlington Community Center, Main Room, 27 Maple Street, Arlington, MA.
3. **Monday, March 18, 2024**, beginning at 7:30 PM, to deliberate and vote on Articles 25 through 34, in the Arlington Community Center, Main Room, 27 Maple Street, Arlington, MA.

The articles are presented in the order in which they will appear in the Warrant for Annual Town Meeting and as shown in the meeting details above. The ARB will hear public comments on the proposed amendments to the Zoning Bylaw. After receiving public comments, the ARB will make recommendations on the proposed amendments for Annual Town Meeting, which will begin on Wednesday, April 24, 2024.

The draft language of the proposed amendments to the Zoning Bylaw may be viewed at the front counter of the Department of Planning and Community Development at 730 Massachusetts Avenue, at the main desk of the Robbins Library at 700 Massachusetts Avenue, or viewed and downloaded from the Redevelopment Board webpage of the Town's website at www.arlingtonma.gov/arb.

Contact Claire Ricker, Director of Planning and Community Development, at 781-316-3092 or cricker@town.arlington.ma.us with any questions or comments.

TABLE OF CONTENTS

Article	Zoning Bylaw Amendment	Page
Article 25	Building Definitions	3
Article 26	Administrative Clarification	4
Article 27	Administrative Correction	5
Article 28	Delete Inland Wetland Overlay District	7
Article 29	Reduced Height Buffer	10
Article 30	Shaded Parking Lots	11
Article 31	Add 5-7 Winter Street to the MBTA Neighborhood District	12
Article 32	Traffic Visibility	13
Article 33	Rear Yard Setbacks in Business Districts	14
Article 34	Residential Uses	15

Summary of Recommended Votes of the Redevelopment Board

This page is reserved for a listing of all final votes taken by the Board.

ARTICLE 25: BUILDING DEFINITIONS

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 25

ZONING BYLAW AMENDMENT / BUILDING DEFINITIONS

To see if the Town will vote to amend Section 2: Definitions, in the Zoning Bylaw to amend the definitions of Building, Attached, and Building, Detached, to clear up an ambiguity between those two definitions; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend SECTION 2, Definitions, as follows:

Building, Attached: A building having one or more walls or roofs in common with another adjoining building or buildings or otherwise connected by a roof to another building or buildings.

Building, Detached: A building ~~with no physical connection to another building~~ that does not meet the definition of Building, Attached.

ARTICLE 26: ADMINISTRATIVE CLARIFICATION

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 26 ZONING BYLAW AMENDMENT / ADMINISTRATIVE CLARIFICATION

To see if the Town will vote to amend Section 5.4.2.A. R District Yard and Open Space Requirements in the Zoning Bylaw to reference an exception found elsewhere in the Zoning Bylaw; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend SECTION 5.4.2.A. R District Yard and Open Space Requirements, as follows:

R District Yard and Open Space Requirements (see 5.4.2.~~B~~.B and 5.9.2.B.(1) e) for exceptions).

ARTICLE 27:

ADMINISTRATIVE CORRECTION

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 27

ZONING BYLAW AMENDMENT / ADMINISTRATIVE CORRECTION

To see if the Town will vote to amend Section 5.9.2. Accessory Dwelling Units for clarity to change how subsections are numbered and to remove a subsection that is outdated; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend Section 5.9.2. Accessory Dwelling Units, Subsection B. (1), to replace bullets with letters as follows:

B. Requirements

(1) In any Residential District or Business District, an accessory dwelling unit is permitted as an accessory use to any single-family dwelling, two-family dwelling, or duplex dwelling, if all of the following conditions are met:

- a) An accessory dwelling unit shall be not larger in floor area than one-half the floor area of the principal dwelling or 900 square feet, whichever is smaller. For the avoidance of doubt, where an accessory dwelling unit is created by converting a portion of an existing principal dwelling to an accessory dwelling unit, the floor area of the resulting accessory dwelling unit shall be measured relative to the floor area of the resulting principal dwelling (as affected by or in connection with the conversion).
- b) Any alteration causing an expansion of or addition to a building in connection with an accessory dwelling unit shall be subject to the provisions of Section 5.4.2.B(6) if and to extent section 5.4.2.B(6) is otherwise applicable to such alteration or addition.
- c) An accessory dwelling unit shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling, sufficient to meet the requirements of the State Building Code for safe egress.
- d) No more than one (1) accessory dwelling unit is allowed per principal dwelling unit.
- e) An accessory dwelling unit may be located in (i) the same building as the principal dwelling unit or as an expansion to such building; (ii) a building that is attached to the principal dwelling unit; or (iii) an accessory building, which accessory building shall not constitute a principal or main building by the incorporation of the accessory dwelling unit, provided that if such accessory building is located within 6 feet of a lot line then such accessory dwelling unit shall be allowed only if the Board of Appeals, acting pursuant to Section 3.3, grants a special permit upon its finding that the creation of such accessory dwelling unit is not substantially more detrimental to the neighborhood than the use of such accessory building as a private garage or other allowed use.

- f) An accessory dwelling unit shall not be used as a short-term rental, in accordance with Title V, Article 18, Section 3 of the By-Laws of the Town of Arlington.
- g) An accessory dwelling unit shall be subject to all applicable requirements of the State Building Code and State Fire Code (including any such requirements, if and as applicable, which prohibit openings, including windows, in exterior walls of dwellings located within a certain distance from the property line).

Amend Section 5.9.2, Accessory Dwelling Units, Subsection C., to delete subsection (3) and to renumber subsection (4) as subsection (3) as follows:

C. Administration

...

- ~~(3) — This Section 5.9.2 shall be effective as of the date on which it is enacted at Town Meeting in accordance with applicable law, except for clause (iii) of Section 5.9.2.B.(1), fifth bullet, which clause (iii) shall be effective as of the date occurring six (6) months after the date on which this Section 5.9.2 is enacted at Town Meeting.~~
- ~~(4)~~ (3) In the event of any conflict or inconsistency between the provisions of this Section 5.9.2 or Section 8.1.3.E, on the one hand, and any other provisions of this Bylaw, the provisions of this Section 5.9.2 and Section 8.1.3.E shall govern and control.

ARTICLE 28:

DELETE INLAND WETLAND OVERLAY DISTRICT

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 28 ZONING BYLAW AMENDMENT / DELETE INLAND WETLAND OVERLAY DISTRICT

To see if the Town will vote to delete Section 5.8, Inland Wetland Overlay District, from the Zoning Bylaw and adjust the numbering of subsequent sections; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Delete SECTION 5.8, Inland Wetland District, as follows:

~~5.8 INLAND WETLAND DISTRICT~~

~~5.8.1. Purpose~~

The purpose of Section 5.8 is to:

- ~~A. Preserve and protect the streams, water bodies, and other watercourses, including wetlands, in the Town of Arlington.~~
- ~~B. Protect the health and safety of persons and property against the hazards of flooding and contamination.~~
- ~~C. Preserve and maintain the groundwater table for potential water supply purposes.~~
- ~~D. Protect the community against the detrimental use and development of lands adjoining such watercourses.~~
- ~~E. Conserve the watershed areas in Arlington for the health, safety, and welfare of the public.~~

~~5.8.2. Definition~~

The Inland Wetland District is superimposed over any other district established by this Bylaw and includes the following areas:

- ~~A. All lands within the elevations shown on the Wetland and Floodplain Overlay Map of the Zoning Map and designated as wetlands as defined by the Massachusetts Wetlands Protection Act, G.L. c.131 §40, and the implementing regulations, 310 CMR 10.00, as well as the Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8), and the Wetland Protection Regulations (Regulations) promulgated thereunder. These include lakes, ponds and swamps.~~
- ~~B. All land area along all perennial rivers, brooks, and streams as defined by the Massachusetts Wetlands Protection Act, G.L. c.131 §40, and the implementing regulations, 310 CMR 10.00, as well as the Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8), and the Wetland Protection Regulations (Regulations) promulgated thereunder for a horizontal distance of 200 feet from the center line thereof are included in the Inland Wetland District.~~
- ~~C. All lands designated on the zoning map as having a shallow depth to water table. These lands are the poorly and very poorly drained mineral soils, and very poorly drained soils formed in organic deposits. Poorly drained mineral soils have a water table at or near the~~

surface for at least 7 to 9 months during the year. The water table remains at or close to the surface of very poorly drained mineral and organic soils throughout most of the year.

5.8.3. Applicability

Any proposed use to be located within the limits of the Inland Wetland District as determined by the Building Inspector under Section 3.1 of this Bylaw shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw.

5.8.4. Permitted Uses

Municipal use, such as waterworks, pumping stations, and parks, is permitted under this section. Land in the Inland Wetland District may be used for any purpose otherwise permitted in the underlying district except that:

- A. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section 8.1.8 of this Bylaw.
- B. Dumping, filling, excavating, or transferring of any earth material within the district is prohibited unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw became effective.
- C. No ponds or pools shall be created or other changes in watercourses, for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued.

5.8.5. Procedures

Applications for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority and G.L. c. 40A, as outlined in Section 3. Such conditions shall include, where applicable, approval by the Board of Appeals, Arlington Redevelopment Board, Conservation Commission, the Massachusetts Department of Environmental Protection, and/or the Massachusetts Department of Transportation under Chapter 131 of the General Laws, acts relating to the protection of the inland wetlands of the Commonwealth.

5.8.6. Development Conditions

- A. For the development of land within the Inland Wetland District, the following conditions shall apply:
 - (1) A minimum of six test borings to a minimum depth of eight (8) feet shall be taken; three of which shall be within the area of the proposed structure and three within 25 feet of the outside walls of the structure, but not closer than 10 feet. A report by a soil scientist or qualified engineer shall accompany the test data.
 - (2) The floor level of areas to be occupied by human beings as living or work space shall be four (4) feet above the seasonal high water table and not subject to periodic flooding.

- ~~(3) If the basement floor level is below the seasonal high water table and affords the possibility of human occupancy at some future date, although not originally intended, adequate perimeter drainage and foundation shall be installed to withstand the effect of pressure and seepage. Furnace and utilities are to be protected from the effects of leaching.~~
- ~~(4) Safe and adequate means of vehicular and pedestrian passage shall be provided in the event of flooding of the lot(s) or adjacent lot(s) caused by either the overspill from water bodies or high runoff.~~
- B. ~~The developer shall show that the proposed development will not endanger health and safety, including safety of gas, electricity, fuel, and other utilities from breaking, leaking, short-circuiting, grounding, igniting or electrocuting; shall not obstruct or divert flood flow; substantially reduce natural floodwater storage capacity; destroy valuable habitat for wildlife; adversely affect groundwater resources or increase storm water run-off velocity so that water levels on other land are substantially raised or the danger from flooding increased.~~

Renumber subsequent Sections as appropriate.

ARTICLE 29:

REDUCED HEIGHT BUFFER

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 29

ZONING BYLAW AMENDMENT / REDUCED HEIGHT BUFFER

To see if the Town will vote to amend Section 5.3.19. Reduced Height Buffer Area in the Zoning Bylaw to alter the height buffer requirements; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend SECTION 5.3.19, Reduced Height Buffer Area, Subsection A, as follows:

- A. When two different maximum height limits are specified for the same zoning district in any Table of Dimensional and Density Regulations in this Section 5, the lower limit shall apply to any lot or part of a lot located in a height buffer area unless a finding of the Board of Appeals or the Arlington Redevelopment Board, as applicable, determines that the location, based on site-specific factors, or if the Applicant demonstrates to the satisfaction of the Board of Appeals or the Arlington Redevelopment Board, as applicable, that proximity to it is determined as a specific finding of a special permit that the properties in the adjacent R0, R1, R2, or OS district would not be adversely affected due to existing use or topographic condition will not be detrimental based upon criteria established in Section 3.3.3 and Section 3.3.4. A height buffer area is defined as a lot or part of a lot which is located at a lesser distance from any land, not within a public way, in an R0, R1, R2 or OS district than the following:

Land in R0, R1, R2, OS is located	Lower height shall apply
Between northwest and northeast	Within 200 <u>50</u> feet
Easterly, between northeast and southeast, or westerly between northwest and southwest	Within 150 <u>35</u> feet
Southerly, between southeast and southwest	Within 100 <u>25</u> feet

ARTICLE 30: SHADED PARKING LOTS

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 30

ZONING BYLAW AMENDMENT / SHADED PARKING LOTS

To see if the Town will vote to amend Section 6.1.11.D of the Zoning Bylaw to require that trees or other shade be provided in parking lots with more than 25 spaces; or take any action related thereto.

(Inserted at the request of Susan Stamps and 10 registered voters)

DRAFT AMENDMENT

Amend SECTION 6.1.11, Parking and Loading Space Standards, Subsection D, as follows:

- D. All parking and loading areas containing over five spaces which are not inside a structure shall also be subject to the following.
- (6) Parking areas providing more than 25 spaces shall include landscaped areas in at least 8% of the total paved portion of the parking area. Minimum required landscaped setbacks and buffers at the perimeter of the parking area shall not be counted toward the landscaping requirement of this paragraph. Individual strips of landscaping shall be at least four feet wide. In addition, pavement shade in such parking lots shall be provided by one or both of the following methods (for shading requirements in Industrial Districts, see 6.1.11.F.):
- a. Install one shade tree for every eight parking spaces; such trees must be spaced so that some part of each parking space is not more than 30 feet from a tree. Tree planting areas shall be at least six feet in diameter, new trees shall be at least three inches DBH (diameter at breast height) at the time of planting and shall be selected from a large shade tree list for parking lots under this section prepared by the Tree Warden or the Tree Committee.
To the extent practicable, existing trees shall be retained and used to satisfy this section. New trees shall be maintained, including watering, by the installer or its designee in accordance with American Standard for Nursery Stock standards for a period of no less than 36 months from the date of planting, or other standards the Redevelopment Board may designate.
 - b. Install solar panels over parking spaces allowing cars to park underneath to increase shade to a minimum of 50% of the parking lot surface.

ARTICLE 31:

ADD 5-7 WINTER STREET TO THE MBTA NEIGHBORHOOD DISTRICT

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 31 ZONING BYLAW AMENDMENT / ADD 5-7 WINTER TO THE MBTA NEIGHBORHOOD DISTRICT

To see if the Town will vote to add the Address of 5-7 Winter St., to the Neighborhood Multi-Family (NMF) Subdistrict Parcel List. So that the Map/Table listing of all the properties in the Neighborhood Multi-Family (NMF) Subdistrict includes the following property, the additional line will read as follows:

Address	Owner	Existing Use Codes	Existing Use Description	Parcel Acres	Parcel Square Footage
5-7 Winter St.	AML Realty Trust	104	Two Family Residential	0.420	18,306

; or take any action related thereto.

(Inserted at the request of John D. Leone and 10 registered voters)

DRAFT AMENDMENT

Amend the MBTA Communities Overlay District Parcel List for the Neighborhood Multi-Family (NMF) Subdistrict as follows:

- Add a row to the Parcel List table to include the property at 5-7 Winter Street;
so that said row reads as follows:

Address	Owner	Existing Use Codes	Existing Use Description	Parcel Acres	Parcel Square Footage
5-7 Winter St.	AML Realty Trust	104	Two Family Residential	0.42025	18,306

ARTICLE 32: TRAFFIC VISIBILITY

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 32

ZONING BYLAW AMENDMENT / TRAFFIC VISIBILITY

To see if the Town will vote to amend Section 5.3.12(A) of the Town's Zoning Bylaws to permit buildings, structures or vegetation across street corners if it can be shown that they will not restrict visibility in such a way as to hinder the safe transit of a vehicle through the subject intersection; or take any action related thereto.

(Inserted at the request of Caitlin Elizabeth Monaghan and 10 registered voters)

DRAFT AMENDMENT

Amend SECTION 5.3.12, Traffic Visibility, Subsection A, as follows:

- A. Across Street Corners. Between the property lines of intersecting streets and a line joining points on the property lines 20 feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any R district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades unless it can be shown that the building, structure, or vegetation will not restrict visibility in such a way as to hinder the safe transit of a vehicle through the intersection.

ARTICLE 33:

REAR YARD SETBACKS IN BUSINESS DISTRICTS

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 33 ZONING BYLAW AMENDMENT / REAR YARD SETBACKS IN BUSINESS DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw Section 5.5.2, Dimensional and Density Regulations, to adjust the rear yard setback requirement for uses of four or more stories in the Business Districts; or take any action related thereto.

(Inserted at the request of Andrew S. Greenspon and 10 registered voters)

DRAFT AMENDMENT

Amend SECTION 5.5.2, Dimensional and Density Regulations, Subsection A, as follows:

A. Tables of Dimensional and Density Regulations

B District Yard and Open Space Requirements

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)

...

Note: L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 5.3.15 for buildings of uneven alignment or height. H is the height of that part of the building for which the setback or yard is to be calculated.

* 0 feet when abutting an alley or rear right-of-way of at least 10 feet of width

* 10 feet when abutting a non-residential district

* 20 feet for three or fewer stories when abutting a residential district

*** For buildings of four or more stories: 20 feet for the first three stories and 30 feet for the fourth and higher stories when abutting a residential district**

~~* 30 feet for four and more stories when abutting a residential district~~

* If the rear yard abuts both a residential and non-residential district, the minimum requirement for the residential district shall apply.

ARTICLE 34: RESIDENTIAL USES

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 34

ZONING BYLAW AMENDMENT / RESIDENTIAL USES

To see if the Town will vote to amend Section 5.4 of the Town's Zoning Bylaws by changing the definitions, regulations and requirements of R0 Large Lot Single-Family Districts, R1 Single-Family Districts and R2 Two-Family Districts to permit the expansion of allowable residential uses in these districts, with the goal of diversifying the Town's housing stock; or take any action related thereto.

(Inserted at the request of John Paul Lewicke and 10 registered voters)

DRAFT AMENDMENT

Amend SECTION 5.4.1, Districts and Purposes, Subsection A, as follows:

- A. R0, R1, and R2. The R0, R1, and R2 districts are traditional residential districts. Together, these districts comprise a substantial majority of the residentially zoned land in Arlington.
 - (1) R0: Large Lot ~~Single-Family Residential~~ District. The Large Lot ~~Single-Family Residential~~ District has the lowest residential density of all districts and is generally served by local streets only. The Town discourages intensive land uses, uses that would detract from the single-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.
 - (2) R1: ~~Single-Family Residential~~ District. The predominant uses in R1 are single-family, two-family, three-family, and duplex dwellings and public land and buildings. The Town discourages intensive land uses, uses that would detract from the single-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.
 - (3) R2: ~~Two-Family Residential~~ District. The predominant use in R2 is a two-family dwelling, three-family dwelling, or duplex. This district is generally served by local streets only and its neighborhoods are largely walkable and well established. It includes areas that are generally within walking distance of the stores and transportation facilities along Massachusetts Avenue and Broadway. The Town discourages uses that consume large amounts of land, uses that would detract from the ~~single-family and two-family or duplex~~ residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.

Amend SECTION 5.4.2, Dimensional and Density Requirements, Subsection A, Tables of Dimensional and Density Regulations, as follows:

- Change the "R District Building Height and Floor Area Ratio Regulations" table; combine the rows relating to R0, R1, and R2 structures such that it includes "Single Family detached dwelling, two-family dwelling, duplex dwelling, three family dwelling" on the first line;

so that said rows read as follows:

District Use	Maximum Allowed		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
R0, R1, <u>R2</u>			
Single Family detached dwelling, <u>two-family dwelling, duplex dwelling, three-family dwelling</u>	35	2 ½	-----
Other permitted structure	35	2 ½	0.35
R2—			
Single family detached dwelling, two-family dwelling or duplex dwelling—	35	2 ½	-----
Other permitted structure	35	2 ½	0.35

Amend SECTION 5.4.3, Use Regulations for Residential Districts, as follows:

- On line 3 of “Use Regulations for Residential Districts” table, labeled “Two-family dwelling, duplex,” add the letter “Y” under the columns labeled “R0” and “R1”;
- On line 5 of “Use Regulations for Residential Districts” table, labeled “Three-family dwelling,” add the letter “Y” under the columns labeled “R0,” “R1,” and “R2”;

so that said rows read as follows:

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Residential								
...								
Two-family dwelling, duplex	<u>Y</u>	<u>Y</u>	Y	Y	Y	Y	Y	Y
...								
Three-family dwelling	<u>Y</u>	<u>Y</u>	<u>Y</u>	SP	SP	SP	SP	SP

SECOND REVISED Shaded Parking Lots Warrant Article Main Motion v2

Submitted by Susan Stamps for Green Streets Arlington
2-29-24 (see Stamps Memorandum 2/29/24 explaining revision)

Warrant Article Title:

ZONING BYLAW AMENDMENT/SHADED PARKING LOTS

Warrant Article Text:

To see if the Town will vote to amend Section 6.1.11.D. of the Zoning Bylaw to require that trees or other shade be provided in parking lots with more than 25 spaces, or take any action related thereto.

Requested by:

Inserted at the Request of [Susan Stamps, Green Streets Arlington] or [the Redevelopment Board]

Proposed ARB Report Excerpt:

This Article aligns with the Master Plan, which states that in addition to environmental and public health benefits, trees have a significant impact on the quality of the pedestrian's experience in Arlington's commercial centers and neighborhoods.

The [proponent/ARB] seeks to expand shade tree canopy coverage in town by requiring trees in large parking lots to: implement carbon neutral policies and climate mitigation goals of the Town of Arlington; reduce heat island effects emanating from Arlington's parking lots; control stormwater; and enhance public health and walkability with proper shading. This Article provides a nature-based solution to mitigate the impacts of the built environment.

The Redevelopment Board voted X-X to [recommend] [Favorable Action][No Action].

Vote Language:

That the Zoning Bylaw Sec. 6.1. Off Street Parking shall be and hereby is amended as follows:

See underlines for Additions and ~~strikeouts~~ for deletions.

Section 6.1.11 Parking and Loading Standards

D. All parking and loading areas containing over five spaces which are not inside a structure shall also be subject to the following.

(6) Parking areas providing more than 25 spaces, including parking areas expanded to provide more than 25 spaces, shall include landscaped areas in at least 8% of the total paved portion of the parking area. Minimum required landscaped setbacks and buffers at the perimeter of the parking area shall not be counted toward the landscaping requirement of this paragraph. Individual strips of landscaping shall be at least four feet wide. In addition, pavement shade in such parking lots shall be provided by one or both of the following methods (for shading requirements in Industrial Districts, see 6.1.11.F.):

a. Install one shade tree for every eight parking spaces; such trees must be spaced so that some part of each parking space is not more than 30 feet from a tree. Tree planting areas shall be at least six feet in diameter, or in accordance with the USDA Forest Service Tree Owner's Manual standards. New trees shall be at least three inches DBH (diameter at breast height) at the time of planting and shall be selected from a large shade tree list for parking lots under this section prepared by the Tree Warden or the Tree Committee.

To the extent practicable, existing trees shall be retained and used to satisfy this section. New trees shall be maintained, including watering, by the installer or its designee in accordance with the USDA Forest Service Tree Owner's Manual standards for a period of no less than 36 months from the date of planting, or other standards the Redevelopment Board may designate.

b. Install solar panels over parking spaces allowing cars to park underneath to increase shade to a minimum of 50% of the parking lot surface.

MEMORANDUM RE SECOND REVISED MAIN MOTION

TO: Planning Department and Redevelopment Board
From: Susan Stamps for Green Streets Arlington
Re: Town meeting Art. 30 “Shaded Parking Lots – changes requested to our previously submitted Revised Main Motion dated 2/11/24
Date: February 29, 2024

The proposed Revised Main Motion language for Article 30 submitted by Green Streets Arlington on 2/11/24 amending ZBL Section 6.1.11.D(6) included a new paragraph 6.1.11.D(6)a which consisted of two subparagraphs. The second subparagraph stated:

To the extent practicable, existing trees shall be retained and used to satisfy this section. New trees shall be maintained, including watering, by the installer or its designee in accordance with American Standard for Nursery Stock standards for a period of no less than 36 months from the date of planting, or other standards the Redevelopment Board may designate.

We got the above yellow highlighted language from ZBL Sec 6.3.4.D (Site Development Standards-Public Shade Trees, Standards), which says: “All new trees shall be maintained in accordance with American Standard for Nursery Stock standards for a period of no less than 36 months from the date of planting, or other standards the Redevelopment Board may designate” and we inserted the phrase “including watering.”

After submitting the Revised Main Motion, we reviewed the American Standards for Nursery Stock (ASNS) and found that it does not address post-planting maintenance. Rather, it addresses pre-planting decisions, such as choosing appropriate plant stock for a given area. See <https://www.americanhort.org/education/american-nursery-stock-standards>

We checked with our Tree Warden, Tim Lecuivre, and he confirmed we are correct about ASNS. He recommended that we use for the standard in Article 30 the USDA Forest Service Tree Owner’s Manual found here: <https://usfs-public.app.box.com/v/TreeOwnersManual>.

The full name of the publication is the USDA Forest Service Eastern Region State and Private Forestry | NA–FR–01–10 | July 2015 (Slightly rev. May 2021). However, since it is the only Tree Owner’s Manual published by USDA, we feel it is not necessary to cite the full title in the ZBL, but that is up to the ARB. We are therefore changing our proposed Article 30 Main Motion to delete the reference to ASNS and replace it with the reference to the USDA Forest Service Tree Owner’s Manual, as follows:

PREVIOUSLY SUBMITTED IN REVISED MAIN MOTION

To the extent practicable, existing trees shall be retained and used to satisfy this section. New trees shall be maintained, including watering, by the installer or its designee in accordance with American Standard for Nursery Stock standards for a period of no less than 36 months from the date of planting, or other standards the Redevelopment Board may designate.

REQUESTED NOW IN SECOND REVISED MAIN MOTION

To the extent practicable, existing trees shall be retained and used to satisfy this section. New trees shall be maintained, including watering, by the installer or its designee in accordance with the USDA Forest Service Tree Owner's manual standards for a period of no less than 36 months from the date of planting, or other standards the Redevelopment Board may designate.

We include a Second Revised Main Motion with this change. Also this Second Revised Motion adds language stating that this amendment applies to expanded parking lots (in addition to new parking lots); it also adds the Tree Owner's Manual standard for determining the size of a planting pit as an alternative to one with a diameter of 6 feet.

We respectfully ask that this SECOND REVISED MOTION be the submission that ARB considers at the March 4, 2024 hearing.

In addition, we suggest that the ARB may wish to include in its ZBL amendment package an amendment to the above-mentioned ZBL Sec 6.3.4.D (Site Development Standards-Public Shade Trees, Standards) to replace the reference to the Nursery Stock Standards with the reference to the USDA Forest Service Tree Owner's Manual.

####SHADED PARKING LOTS\2024 Main motion MEMO re 2nd rev motion v2 FINAL 2-29-24 SDS

Shaded Parking Lots

Shaded Parking

A More Livable Town

- Greener Streets
- Cooler and more Pleasant
- Better for Local Business

Climate Change Resilience

- Reduced Heat Islands
- Reduced Flooding
- Improved Air Quality

Advances Community Goals

- Sustainable Action Plan
- Hazard Mitigation Plan
- Net Zero Action Plan

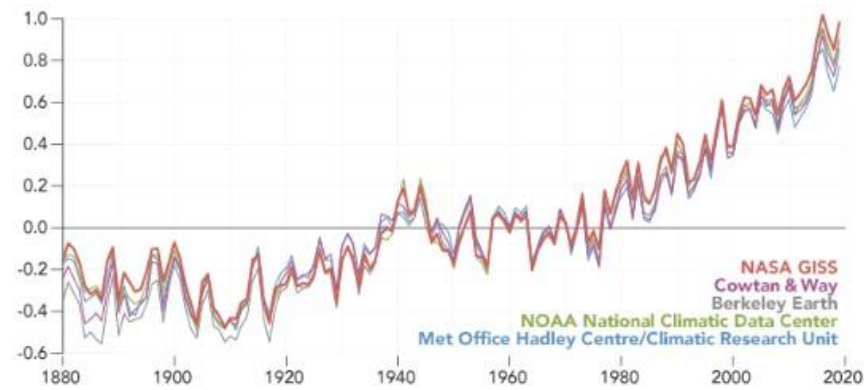


Right Here & Right Now

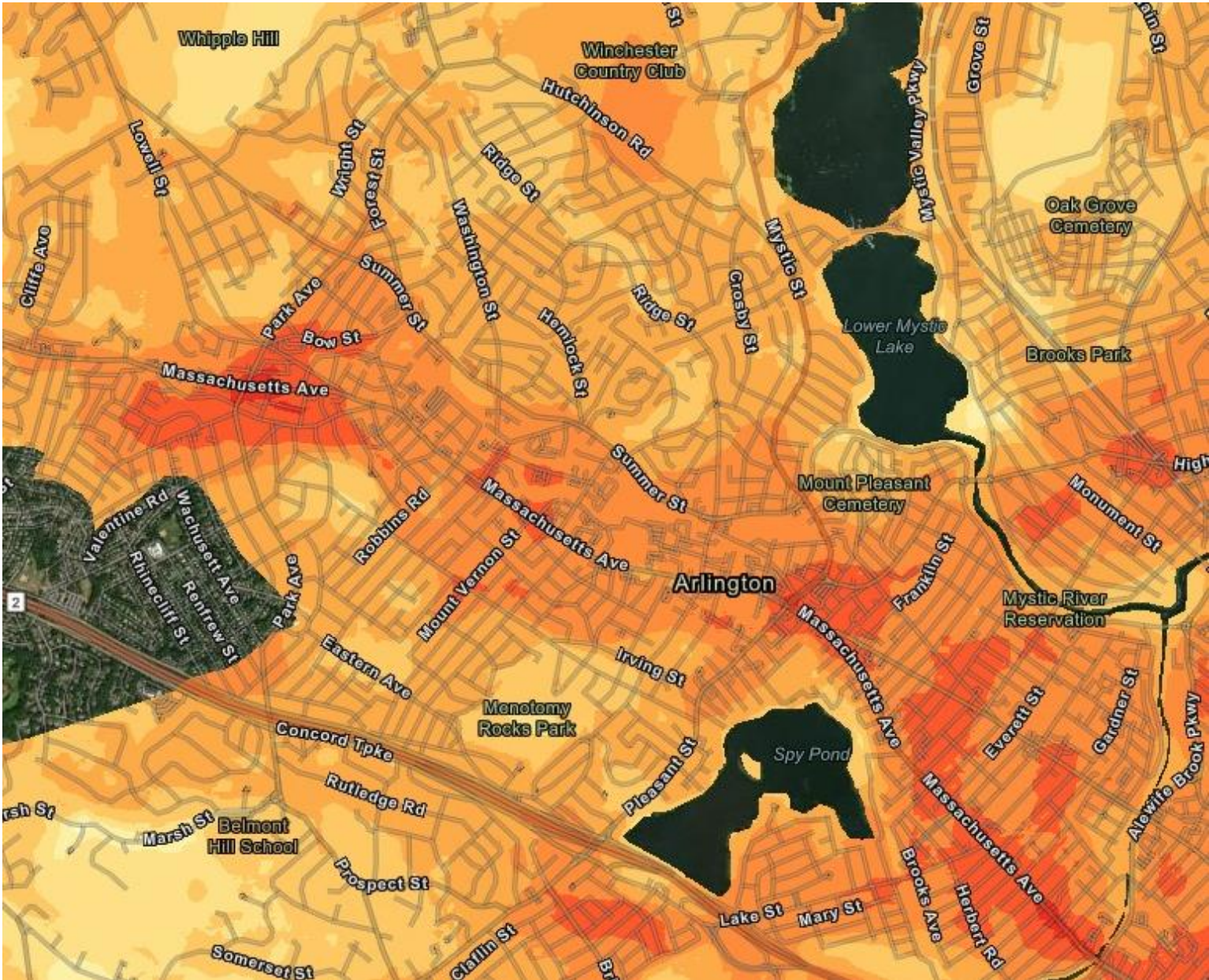
Climate Change is driving global temperatures higher

Unshaded “Heat Islands” contribute to Arlington’s warming

We can think globally & act locally,
> **Right Here & Right Now** <



Global Average Temperature



Arlington Temperature Map

Shaded Parking Lot Bylaw Amendment

6.1.11.D. (6) Parking areas providing more than 25 spaces shall include:

- Landscaped areas at least 8% of the total paved parking area
- Individual strips of landscaping at least four feet wide



In addition, pavement shade shall be provided by one or both of the following methods:

a. Install one shade tree for every eight parking spaces, with some part of each space within 30 feet of a tree

- Tree planting areas at least six feet in diameter
- New trees at least three inches in diameter
- New trees selected from an approved Tree List
- New trees to be watered for three years
- Where practicable, existing trees retained

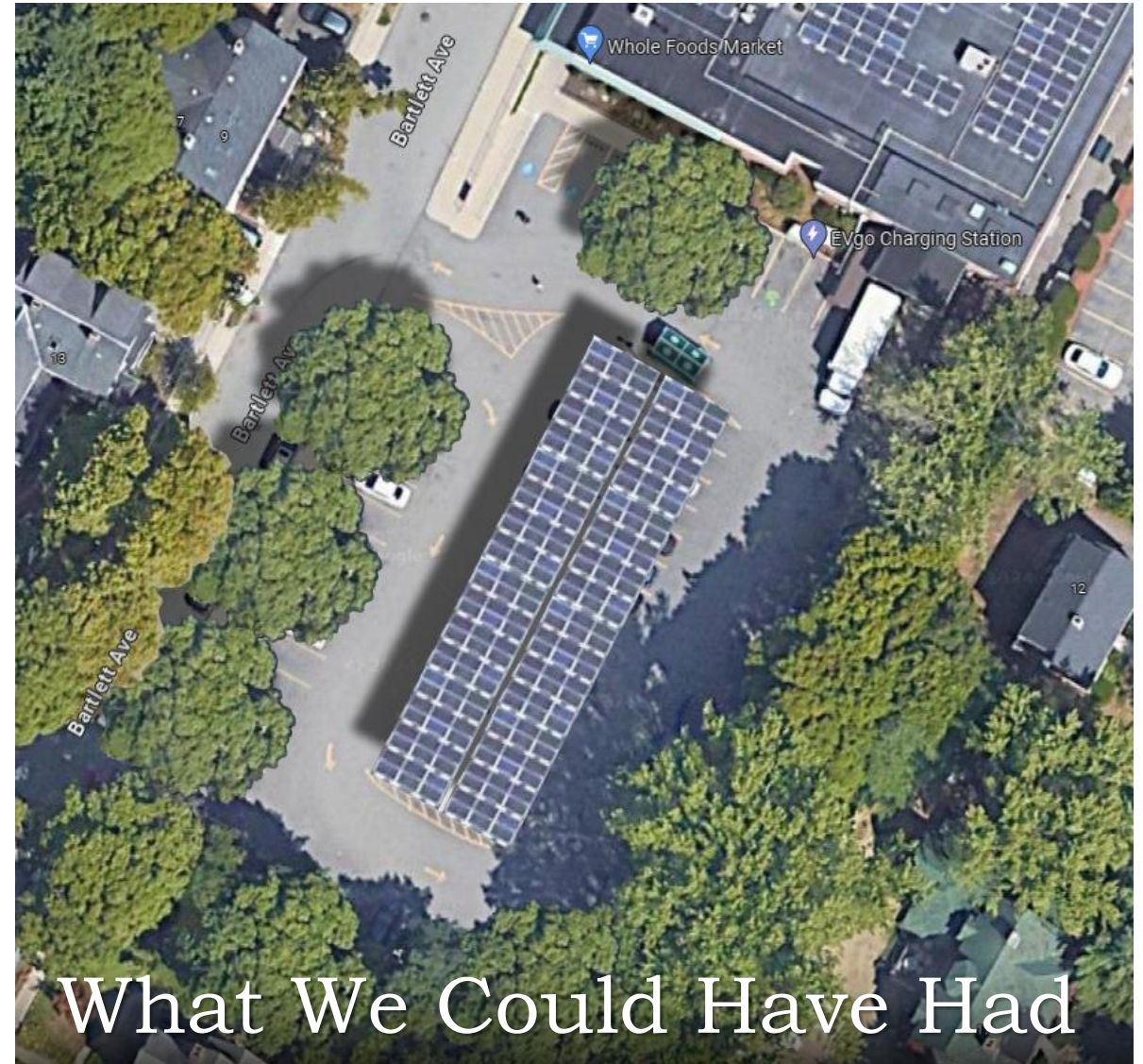
b. Install solar panels over parking spaces allowing cars to park underneath to a minimum of 50% of the parking lot surface

Example: Whole Foods parking lot



What We Have

81 Spaces, 0 Trees, 0 Solar panels



What We Could Have Had

80 Spaces, 5 Trees, 192 Solar panels



Shaded parking lots

An easily executed bylaw change
We ask for your support

To: Arlington Redevelopment Board and Planning Director Claire Ricker
From: Elisabeth Carr-Jones and Alan Jones for Green Streets Arlington
RE: Possible Additional Zoning Bylaw amendments for Shaded Parking Lots (Warrant Art. 30)
Date: March 4, 2024

To members of the Arlington Redevelopment Board,

We've been informed that the type of solar panel installation proposed as one of the methods for providing shade in this Zoning Bylaw amendment – ground mounted solar photovoltaic – is only currently listed in the use tables for Industrial Districts.

If it is necessary to add this type of solar installation to other Zoning Districts to allow its use, we are providing the following additional amendments to our main motion for your consideration:

1. In Section 5.4.3 Use Regulations for Residential Districts, under Utility, Transportation, Communications:

Add a line item for Ground Mounted Solar Photovoltaic Installation, and allow use in R5, R6, and R7 Apartment Districts.

2. In Section 5.5.3 Use Regulations for Business Districts under Utility, Transportation, Communications:

Add a line item for Ground Mounted Solar Photovoltaic Installation, and allow for use in B2A Major Business District, B4 Vehicular Oriented Business District, and B5 Central Business District.

3. In Section 5.6.3. Use Regulations for Multi-Use, Planned Unit Development, Industrial, Transportation, and Open Space Districts under Utility, Transportation, Communications:

In last item "Ground Mounted Solar Photovoltaic Installation", allow for use in Multi-Use and Planned Development Districts (in addition to Industrial Districts).

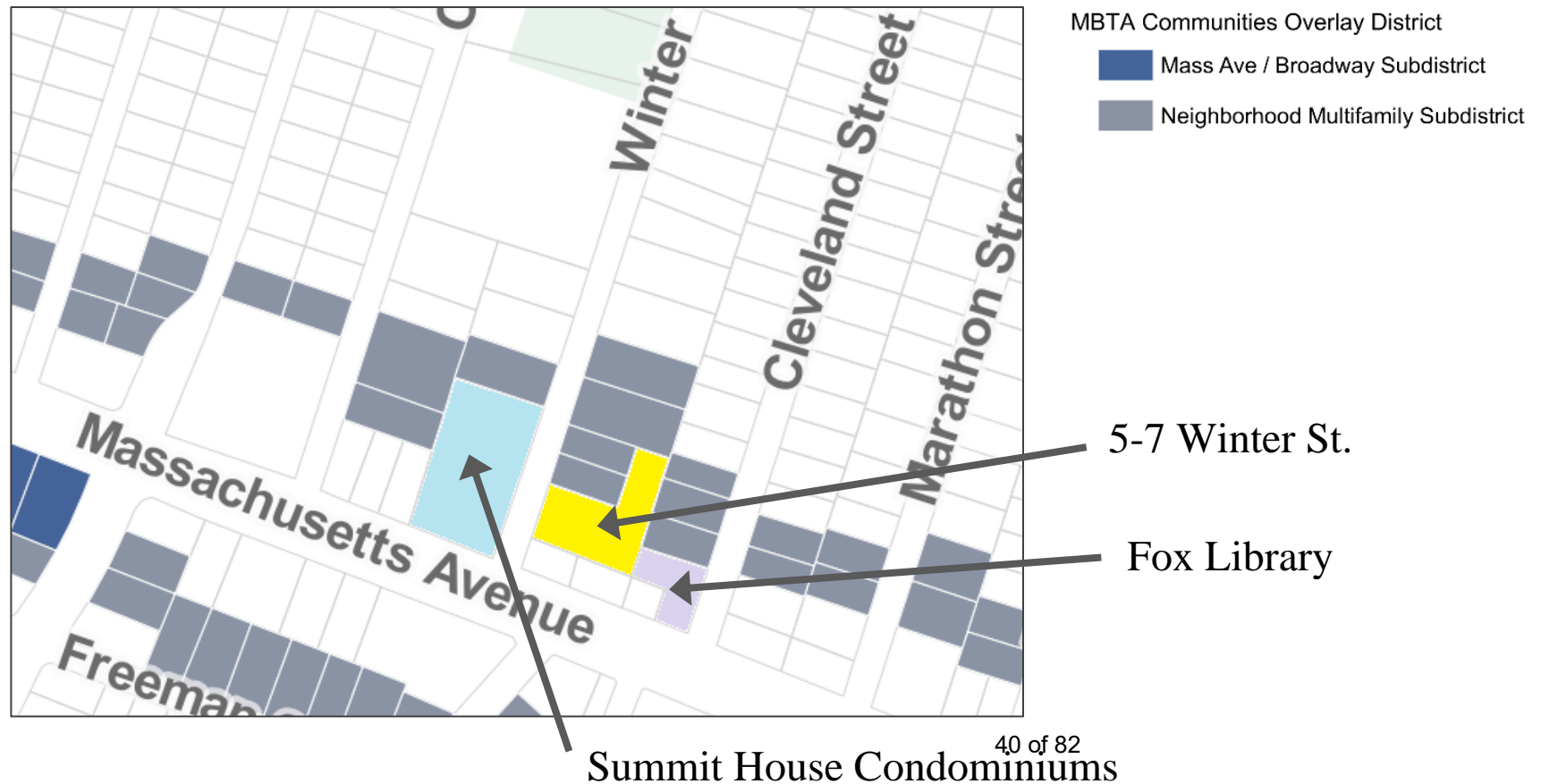
4. In new Section 5.9 for the MBTA Communities Overlay District add text to section 5.9.4.H Solar Energy Systems:

"Ground mounted solar photovoltaic installation is allowed for use in parking lots to satisfy Section 6.1.11.D(6)."

**Spring 2024 Annual Town Meeting
ARTICLE NO. 31**

**To add the Address of 5-7 Winter St., to the Neighborhood
Multi-Family (NMF) Subdistrict Parcel List/Map.**

As demonstrated below, 5-7 Winter St. is surrounded by NMF parcels, i.e., 9, 11, 13, 15 and 14-16 Winter St., as well as 8, 10 and 12 Cleveland St., the Summit House Condominium building and the Fox Library building and the commercial block on Mass. Ave.



5-7 Winter is a large 2 family home on one of the largest lots in the neighborhood and is contained within the boundaries of the Neighborhood Multi-Family (NMF) Subdistrict, but is an excluded parcel. The parcel is the first one on Winter Street from Massachusetts Avenue and directly abuts the row of commercial buildings on Mass. Ave. and sits directly across Winter St. from the Summit House condominium building. The abutting parcels of 9 Winter St., 11 Winter St., and 13 Winter St., as well as 15 Winter St., which are on same side of the street, are all included in the NMF Subdistrict. So too is 14-16 Winter St. which is across and further down Winter Street. The parcel borders and abuts the Fox Library building on Cleveland St. in the rear. Further, 8, 10 and 12 Cleveland St., all of which abut 5-7 Winter St., are included in the NMF Subdistrict.

If each of the included parcels listed above were to construct a multi-family building to the allowed limit, as the Town is contemplating with the Fox Library parcel, the 5-7 Winter Street parcel would be surrounded by multi floor apartment buildings and would never be able to replace the existing building with a similar structure as would be allowed on all of the surrounding parcels. Further, the owner may someday wish to subdivide the rear portion of the lot for the benefit of allowing abutters to increase their lot size to conform with zoning requirements for larger structures.

Warrant Article 32: Traffic visibility

Arlington Redevelopment Board Hearing

March 4th, 2024

Caitlin Monaghan

Conflict of interest disclosure



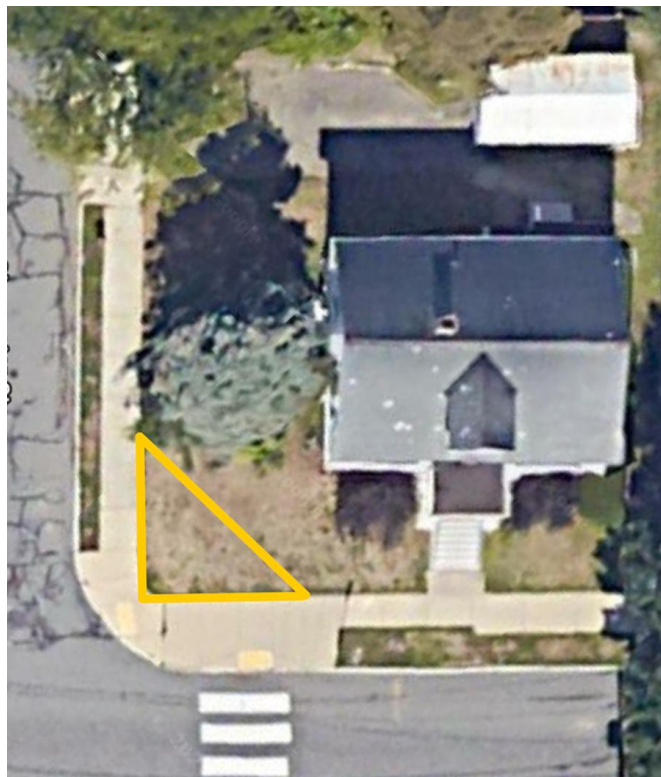
My house is on a corner lot with a tiny yard.



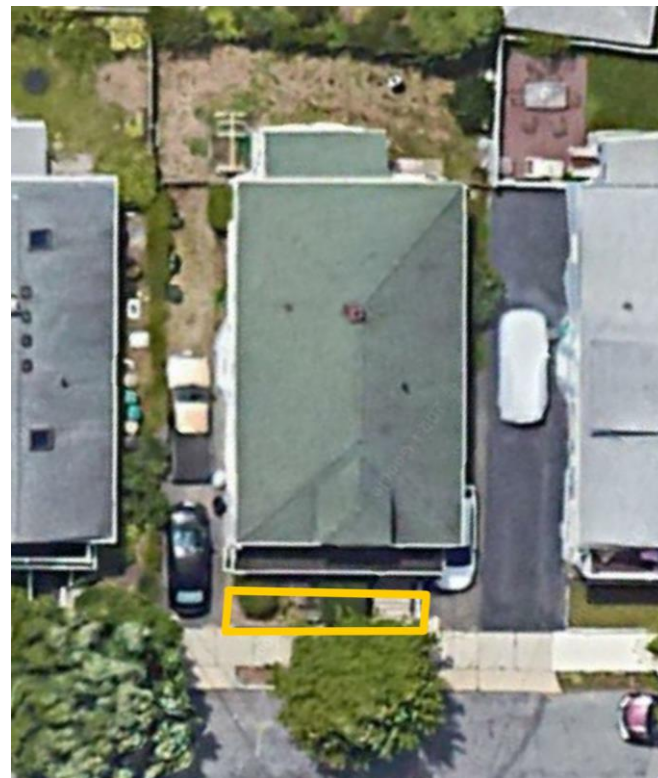
My dog could jump over a 3-foot fence.

Section 5.3.12 ensures traffic visibility by restricting the placement and height of buildings, fences, and vegetation

5.3.12(A) ensures visibility around corners

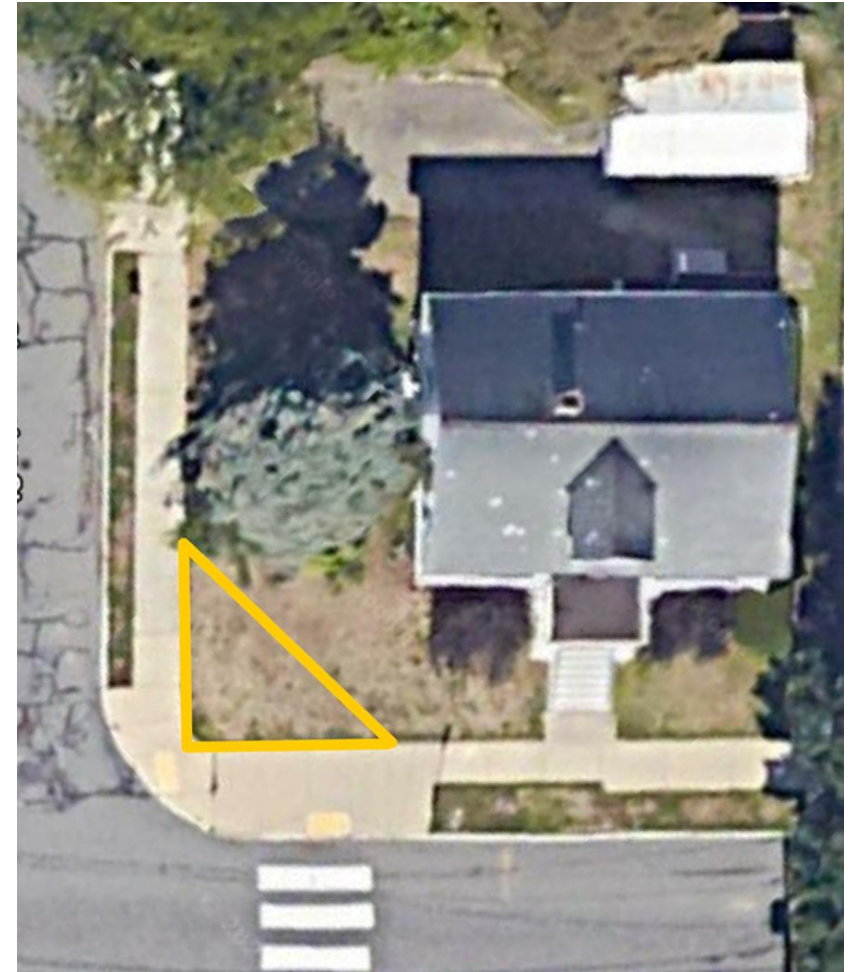


5.3.12(B) ensures visibility from driveways



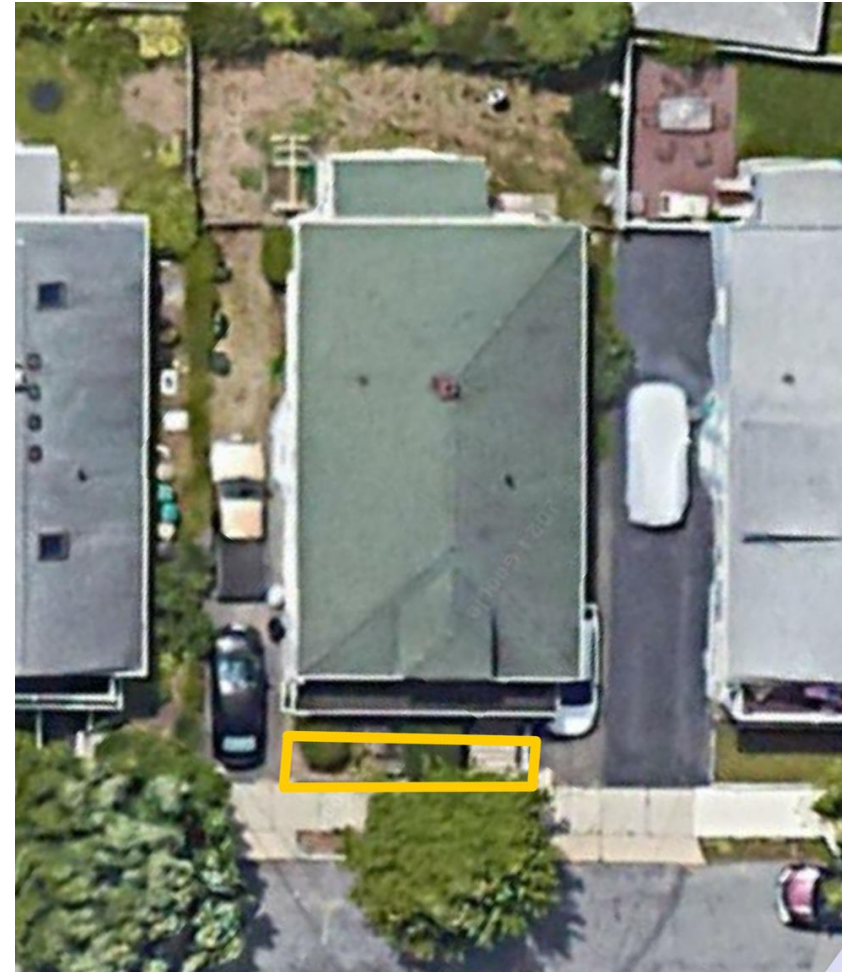
Section 5.3.12(A) forbids structures over 3 feet tall in a triangle at the edge of corner lots

Across Street Corners. Between the property lines of intersecting streets and a line joining points on the property lines 20 feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any R district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades.



Section 5.3.12(B) protects visibility from driveways without imposing absolute height limits

Visibility for Driveways. A fence, hedge, wall, sign, or other structure or vegetation may be maintained on any lot provided that in the front yard area, no such structure or vegetation shall be over two and one-half feet in height above the adjacent ground within five feet of the front lot line **unless it can be shown that the vegetation or structure will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street.**



Section 5.3.12 prevents structures and vegetation from obstructing the view of drivers

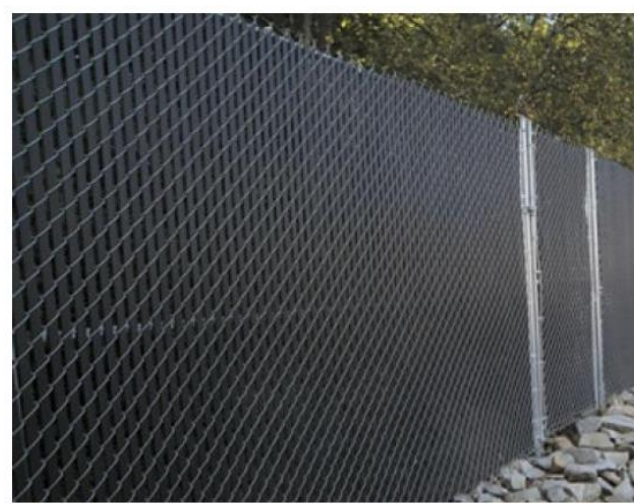


Photo credit: Reliable Fences, Adobe stock images

Fence styles that do not impair visibility are permissible near driveways but not near corners



48 of 82

Photo credit: Reliable Fences

Section 5.3.12(A) discourages the use of fences of adequate height to protect children and pets

- The Massachusetts Department of Early Education and Care stipulates that a “sturdy, permanently installed barrier which is at least four feet in height” is necessary to protect children from hazards such as busy streets that cannot be removed [6.06 CMR 7.07(7)]
- Arlington Zoning Bylaws require that swimming pools be surrounded by fences at least five feet high [5.3.13(B4)]

Updating Section 5.3.12(A) with language adapted from 5.3.12(B) can preserve the intent of the bylaw while allowing fences tall enough to protect children and pets

Across Street Corners. Between the property lines of intersecting streets and a line joining points on the property lines 20 feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any R district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades unless it can be shown that the building, structure, or vegetation will not restrict visibility in such a way as to hinder the safe transit of a vehicle through the intersection.

ZONING BYLAW AMENDMENT/ REAR YARD SETBACKS IN BUSINESS DISTRICTS

March 4, 2024

Andy Greenspon

Warrant Article

To see if the Town will vote to amend the Zoning Bylaw Section 5.5.2. DIMENSIONAL AND DENSITY REGULATIONS to adjust the rear yard setback requirement for uses of four or more stories in the Business Districts; or take any action related thereto.

Proposed Motion Language

That the Zoning Bylaw be and hereby is amended as follows:

Amend SECTION 5.5.2:

Section 5.5.2: Dimensional and Density Regulations

A. Tables of Dimensional and Density Regulations

B District Yard and Open Space Requirements

Note: L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 5.3.15 for buildings of uneven alignment or height. H is the height of that part of the building for which the setback or yard is to be calculated.

- * 0 feet when abutting an alley or rear right-of-way of at least 10 feet of width

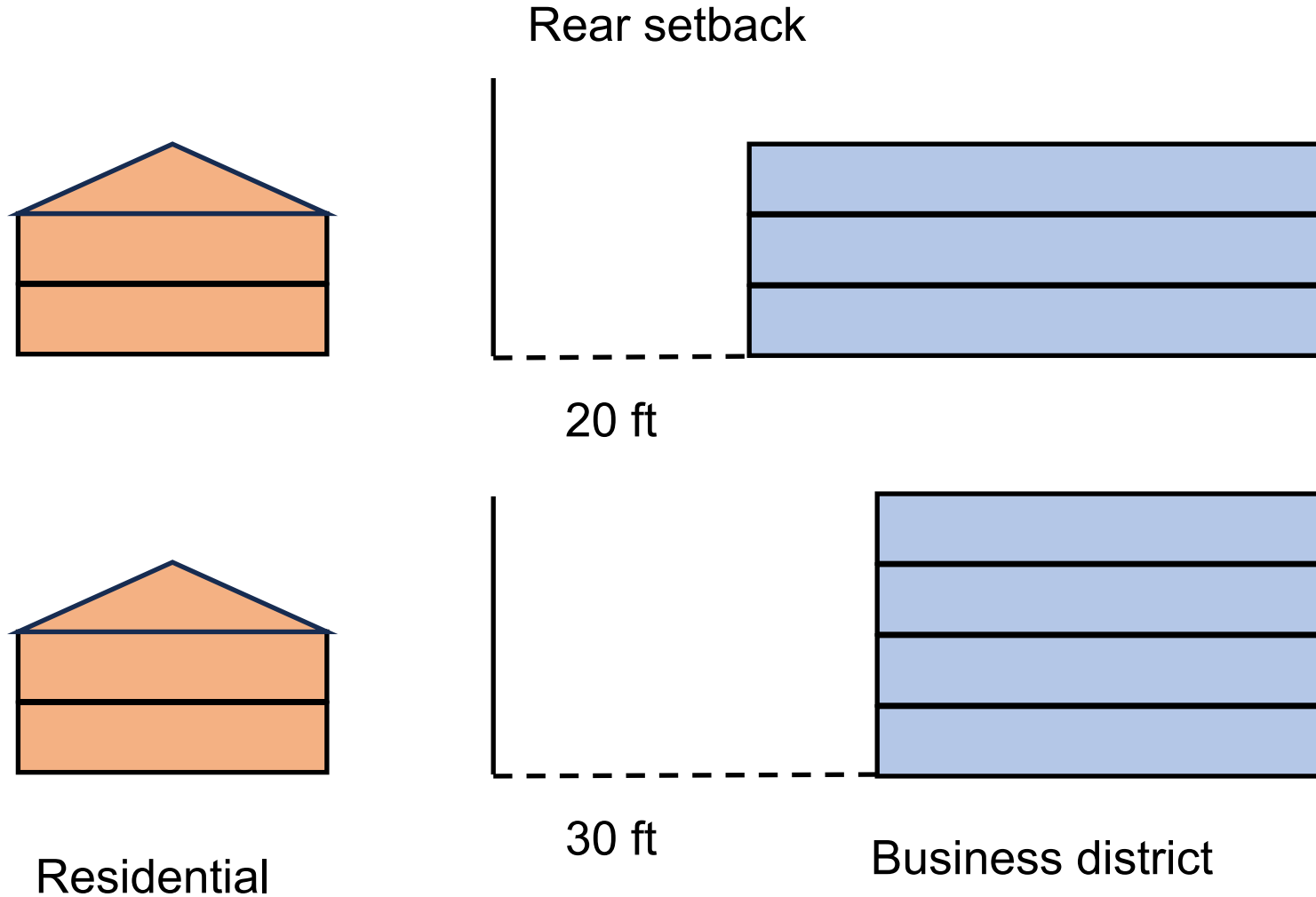
- * 10 feet when abutting a non-residential district

- * 20 feet for three or fewer stories when abutting a residential district

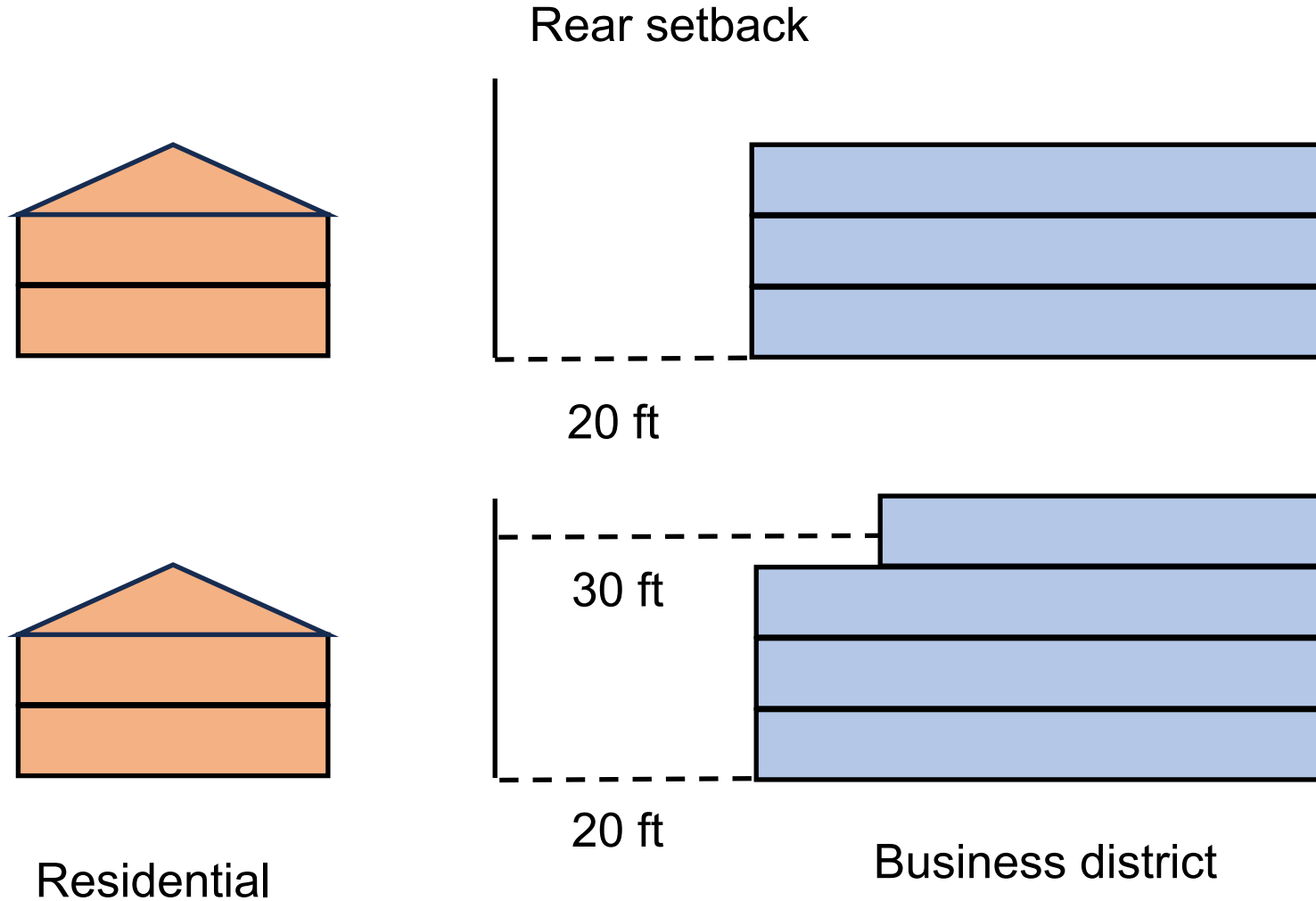
- * For buildings of four or more stories: 20 feet for the first three stories and 30 feet for the fourth and higher stories when abutting a residential district ~~30 feet for four and more stories when abutting a residential district~~

- * If the rear yard abuts both a residential and non-residential district, the minimum requirement for the residential district shall apply.

Current rules under zoning



Rules with proposed zoning amendment



Reasoning for proposed amendment

Requiring what would previously be a 20-foot setback to become a 30-foot setback for all stories of a building that goes from 3 to 4 stories decreases economic feasibility of construction, especially for Arlington's small lots, preventing the ability of the business district to grow and sustain local businesses.

Example:

Business district building proposal that abuts residential property in rear.

Up to three stories:

- Width = 100 feet. Depth = 60 feet., 6000 sq ft per floor*3 = **18,000 sq ft total.**

To make a fourth floor, need to decrease depth of entire building for rear setback:

- Width = 100 feet. Depth = 50 feet., 6000 sq ft per floor*4 = **20,000 sq ft total.**
 - Only a net increase of 2,000 sq ft for all the construction costs of building 4 stories instead of 3.

With proposed amendment, for fourth story only:

- Width = 100 feet. Depth = 50 feet., 5000 sq ft added on top of existing 18,000 sq ft = 23,000 sq ft total.

Reasoning for proposed amendment

Given small parcel sizes in Arlington, having to decrease the depth of a building by 10 more feet on the first 3 stories to build a 4th story reduces the amount of space available for commercial uses, and may make the floor plate less useful or financially viable.

The existing zoning language may effectively put a cap on certain parcels at 3 stories, even when the actual story (and height) limits may be 4 or 5 stories for a given parcel.

This change should not impact shadows on the rear adjacent parcel due to the fourth and higher stories, since that setback remains the same in the existing and proposed zoning.

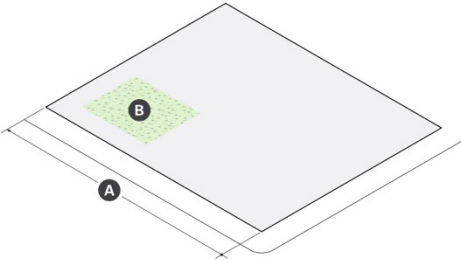
Adjacent Community - Somerville Zoning Code

4. MID-RISE DISTRICTS

Mid-Rise 6 (MR6)

4.4.10 Lab Building (continued)

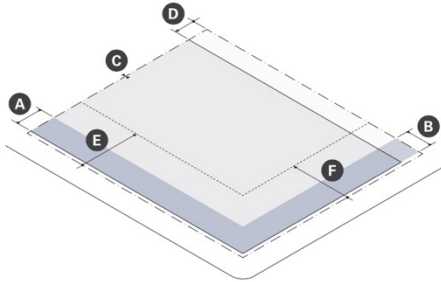
a. LOT Standards



Lot Dimensions	
A Lot Width (min)	30 ft

Lot Development	
Lot Coverage (max)	100%
GREEN SCORE	--
Minimum	0.20
Ideal	0.25
B OPEN SPACE (min)	15%

b. BUILDING Placement



Building Setbacks		
Curb Setback (min)	12 ft	
A Primary Front SETBACK (min/max)	2 ft	15 ft
B Secondary Front SETBACK (min/max)	2 ft	15 ft
C Side SETBACK (min)	0 ft	
Abutting an Alley or R-ROW	0 ft	
Abutting any non-NR or -LHD	0 ft	
1st - 3rd Story abutting NR or LHD	10 ft	
4th - 6th Story abutting NR or LHD	30 ft	
D Rear Setback (min)	--	
Abutting an Alley or R-ROW	0 ft	
Abutting any non-NR or -LHD	10 ft	
1st - 3rd Story abutting NR or LHD	20 ft	
4th - 6th Story abutting NR or LHD	30 ft	

- Mid-Rise 4, 5, 6 have the same rear setback rules as this proposal.
- Mid-Rise can be an entire commercial parcel or commercial on first floor, residential on upper floors.
- NR = neighborhood residential = similar to R0, R1, R2 in Arlington

D Rear Setback (min)	--
Abutting an Alley or R-ROW	0 ft
Abutting any non-NR or -LHD	10 ft
1st - 3rd Story abutting NR or LHD	20 ft
4th - 6th Story abutting NR or LHD	30 ft

Questions?

Thank you for your time.



3-Family Everywhere

Article 34 – Residential Uses

J.P. Lewicke & Annie LaCourt



Outline

- Updates Since Jan 22nd
 - Keeping Both Two- & Three-Family
 - Adding Site Plan Review
 - Quantum of Vote
- Housing Production Projections
- Fiscal Impact
- Single Family Conversion Examples
- Public Engagement



Keeping Both Two- & Three-Family

- We found your concerns around adding only three-family but not two-family in R0 & R1 persuasive.
- We will be keeping our changes that allow both two- and three-family in R0 & R1.
- If that has an unfavorable impact on the quantum of vote, we will withdraw our article.



Adding Site Plan Review

- We would also like to proceed with requiring site plan review for conversions to two- or three-family dwellings in R0 & R1, and for conversions to three-family dwellings in R2.
- We weren't sure yet of the best way to implement this when the current draft language for the article was submitted, and wanted to run our proposed implementation by you.
- We were thinking of using the approach from your January 22nd discussion of the Article 20 Rules & Regulations for Site Plan Review, where site plan review is used more broadly than the current overlay-specific approach.

Adding Site Plan Review

Amend SECTION 5.4.3, Use Regulations for Residential Districts as follows:

- On line 3 of "Use Regulations for Residential Districts" table, labeled "Two-family dwelling, duplex," add the letter "Y" under the columns labeled "R0" and "R1";
- On line 5 of "Use Regulations for Residential Districts" table, labeled "Three-family dwelling," add the letter "Y" under the columns labeled "R0," "R1," and "R2";

so that said rows read as follows:

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Residential								
...								
Two-family dwelling, duplex	<u>Y</u> *	<u>Y</u> *	Y	Y	Y	Y	Y	Y
...								
Three-family dwelling	<u>Y</u> *	<u>Y</u> *	<u>Y</u> *	SP	SP	SP	SP	SP

* Site Plan Review Required



Quantum of Vote

- Town Counsel & Town Moderator have reached out to Attorney General's office for guidance on whether also allowing two-family in R0/R1 would still qualify for a simple majority of Town Meeting under the Housing Choice law.
- Still have not heard back on what the guidance will be.
- If we receive an unfavorable determination on what the quantum of vote is, we are planning to withdraw this article.



Quantum of Vote

If we receive unfavorable guidance and need to withdraw this article, these are some potential alternatives we could consider for the future:

- Submitting two separate warrant articles – one to allow three-family and one to allow two-family.
- Advocate for legislative changes to Housing Choice law.
- More targeted map changes to convert transit-adjacent parcels to R-3 or add them to the Neighborhood Multifamily overlay district.



Housing Production Projections

Inspired by Steve Revilak's simulation of how many dwelling units might be created by redevelopment in the MBTA Communities overlay districts, we've put together a set of projections for how these changes could affect housing production in Arlington.

It's likewise a randomized projection of what could be built over the next ten years.



Assumptions – Probabilities

We've tweaked the probabilities of redevelopment from the original analysis

- Same base probability of redevelopment – twice the rate of redevelopments, 0.46% per year.
- Same 90% decrease for institutional and religious uses.
- Probability increased by 25% if modeled bedrooms are twice existing bedrooms.
- Parcels with same or lower unit capacity will not be redeveloped.
- Same 15% probability increase for large parcels (> 8000 sq ft)
- Dropped building age assumptions
- Condos are only 25% less likely to be developed instead of 80% less likely.



Data Limitations

- We did not model actual lot outlines or setbacks based on those dimensions.
- The dataset we used from the assessors office did not provide acreage for R2 condo conversions, so we are assuming those will behave similarly to the single-owner two-family lots in R2.
- Only did 25 random runs rather than 100, but large number of lots counterbalances this.



Assumptions – Building

- We assume that lots will be developed to a similar intensity as the top quartile of R2 two-families with 2.5 stories, and model the gross floor area per acre of lot size as a random value in that range.
- We use a randomized conversion factor from gross floor area to finished floor area based on that same data.
- Assuming 593 sq ft of finished area per bedroom based on median over existing development in R0/R1/R2.
- Will stay as single-family if below 2075 sq ft, two-family up to 3854 sq ft, and three-family if it exceeds that.



Results

	Average	Median	Minimum	Maximum	Standard Deviation
Total Redeveloped Parcels	560	557	520	606	22
Total New Dwelling Units	726	720	663	790	30
Total New Bedrooms	2,117	2,115	1,913	2,300	100
Total Additional Second Units	384	381	356	414	15
Total Additional Third Units	343	340	307	376	17
Additional Units Per Lot	1.648	1.651	1.598	1.679	0.019
Additional Finished Sq Ft Per Lot	3,054	3,088	2,698	3,229	135

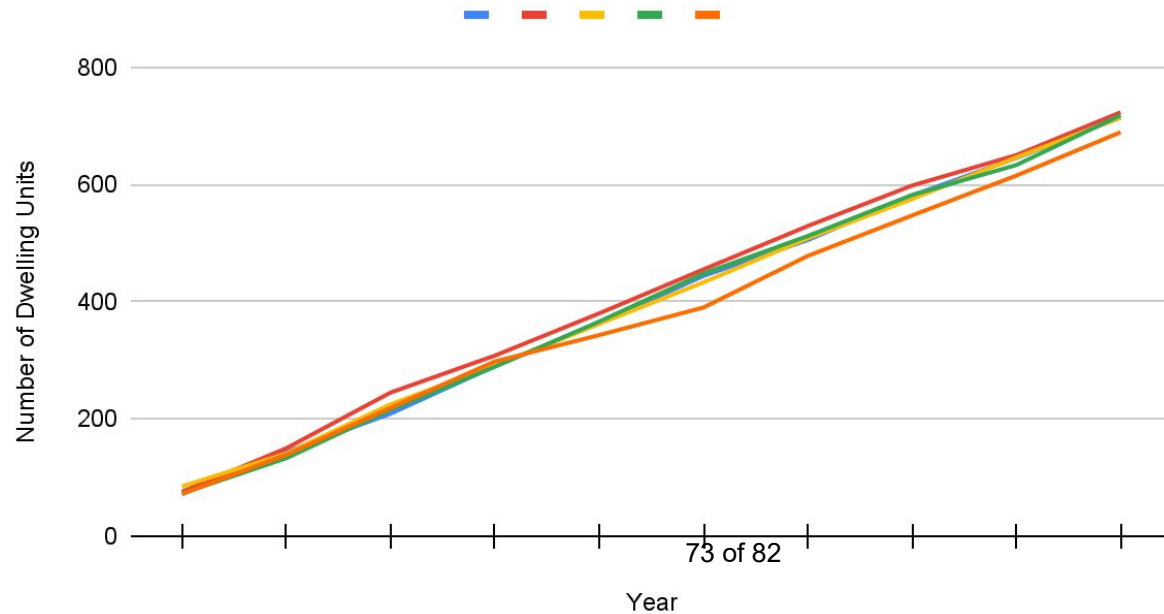


Results

- Since there are 11,741 parcels in R0, R1, and R2 currently, having 560 parcels redeveloped over 10 years corresponds to an average yearly redevelopment probability of 0.488%, so after factoring everything in we're quite close to our assumed basic probability of redevelopment. If we wanted to assume a higher redevelopment rate, we should be able to just extrapolate directly from here.
- With Arlington having 21,131 dwelling units currently, 726 additional dwelling units would represent an increase of 3.45%.

Results

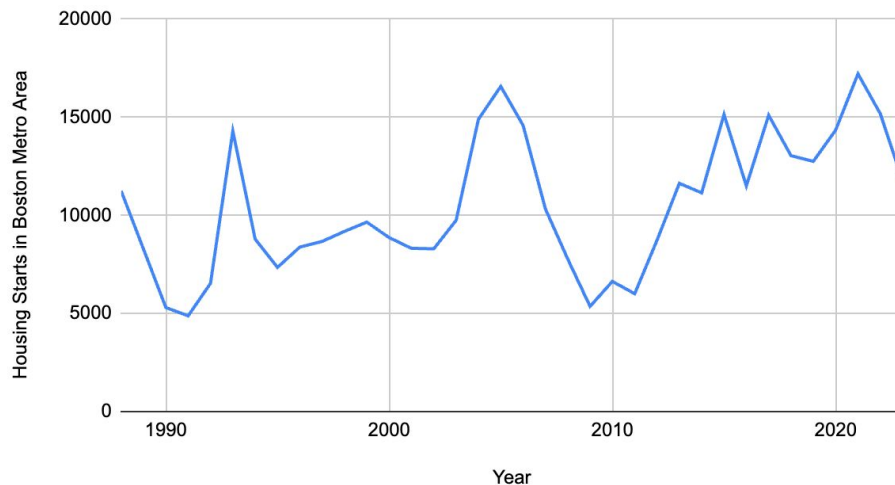
Dwelling Units By Year



Results

- There are so many lots in these districts that we get similar results for yearly production when rerunning with different probabilities. Year-to-year variation is likely to be a larger factor and driven more by macroeconomic factors than this captures.

Housing Starts in Boston Metro Area vs. Year





Fiscal Impact

- We've spoken with the Assessor's office, and they think that redevelopment that adding additional units would increase the valuations and tax revenue versus properties remaining as single-family.
- The key question that they're not able to answer is whether the extra revenue would be offset by additional expenses.



Single-Family Conversion Examples

- We found several examples of existing three unit buildings on parcels that were close to the average lot size for the R1 district (7000 sq ft).
 - 6-8 Water Street, lot size 6316 sq ft, 3 units, 8 bedrooms.
 - 9 Russell Terrace, lot size 6839 sq ft, 3 units, 11 bedrooms.
- There are also many existing larger parcels and larger structures that could be straightforwardly adapted to contain three separate units
 - 5 Oldham Terrace, lot size 14897 sq ft, finished area of 8271 sq ft

Example – 6-8 Water St



Example – 9 Russell Terrace



Example – 5 Oldham Road





Public Engagement

- So far we've been waiting for the determination on the quantum of vote before publicizing this further, since it's unclear until that's decided.
- We will be doing early outreach to all Town Meeting Members to apprise them of this.
- We will be reaching out to Your Arlington and other town news sources to publicize this further.
- We will be coordinating at least one event open to the public to hear people's concerns and suggestions, and will be publicizing that in advance.
- We will be attending the precinct meetings ahead of Town Meeting in order to respond to any questions.



Town of Arlington, Massachusetts

Correspondence Received

Summary:

C. Heigham - 3/1/24

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Correspondence_Heigham_03012024.pdf	Correspondence Heigham 03012024

From: Christopher Heigham

Sent: Friday, March 1, 2024 9:08:23 AM

To: Rachel Zsembery; Kin Lau; Stephen Revilak; Eugene Benson; Shaina Korman-Houston

Cc: Claire Ricker

Subject: Article 34

ARB members -

As I sit on another committee that meets at the same time, I can't be at your hearing this Monday.

Please unanimously vote No Action on this article.

The ink is barely dry on MBTA Communities in Arlington, with its 3K unit capacity. And since this is a regional issue that Arlington cannot address alone, there are 130 other communities due to submit plans this year. It is reckless to add a change with 18K+ unit capacity (6x MBTA Communities!) now.

I could go on with other reasons but won't yet :-).

Thank you for all the time you put in; I know it's a lot.

Respectfully,
Topher Heigham, TMM P15